

Exhibit B

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANNE L. KELLEY and KENNETH
HANSEN,

Plaintiffs,

v.

MICROSOFT CORPORATION, a Washington
Corporation,

Defendant.

No. C07-0475 MJP

CLASS ACTION

NOTICE OF VIDEOTAPED 30(b)(6)
DEPOSITION CLASS ACTION

PLEASE TAKE NOTICE, that pursuant to Fed. R. Civ. P. 30(b)(6), plaintiffs shall take
plaintiffs will take the *videotaped* deposition(s) of one or more designees of defendant Microsoft
Corporation commencing on June 3, 2008, at 9:30 a.m. at the law offices of Keller Rohrback
L.L.P., 1201 Third Avenue, Suite 3200, Seattle, WA 98101.

CR 30(b)(6) requires that Microsoft Corporation designate the following officers,
directors, managing agents, or other designated representatives to testify on behalf of Microsoft.

Microsoft Corporation may further designate those matters in which each designee will
testify. The designees shall testify as to all information known to or reasonably ascertainable by
Microsoft Corporation, including its directors, officers, employees, agents, attorneys, and other
representatives in their capacity as such.

NOTICE OF VIDEOTAPED 30(B)(6) DEPOSITION

1 Microsoft shall designate that person who knows about the existence, location, and
2 meaning of documents (documents include data, databases, analyses, or reports) which describe,
3 include or relate to any of the following:

- 4 1. All counts or compilations of Windows Vista Capable computers sold in the United
5 States and, separately, worldwide during the class period.
- 6 2. All counts or compilations of the sale of Windows Vista Capable computers by
7 computer type and SKU.
- 8 3. All counts or compilations of Windows XP licenses sold by, through or in connection
9 with, or attributed to the Windows Vista Capable program.
- 10 4. The amount of money received or recognized by Microsoft from the licensing of XP
11 in connection with, or attributed to, the Windows Vista Capable Program for
12 computers sold in the United States and worldwide by OEMs.
- 13 5. The identity, existence and number of purchasers in the US and worldwide of
14 Windows Vista Capable computers who participated in the Express Upgrade
15 program.
- 16 6. The identity, existence and number of purchasers in the US and worldwide of
17 Windows Vista Capable computers who were eligible for the Express Upgrade
18 program.
- 19 7. All documents relating to the licensing and/or distribution of Windows Vista Basic
20 through the Express Upgrade program.
- 21 8. All documents relating to comparisons between sales and/or distribution of Windows
22 Vista Basic through the Express Upgrade program, on the one hand, and sales of
23 Basic through post launch sales of boxed Vista Basic Upgrades, on the other.
- 24
- 25
- 26

- 1 9. All documents relating to "Milestone" awards for OEMs participating in the
2 Windows Vista Capable program.
- 3 10. All documents relating to accounting, identification, or estimation of XP licenses or
4 Windows Vista Capable computers in the United States that were sold in connection
5 with, or attributed to, the Windows Vista Capable program.
- 6 11. All documents relating to Microsoft's accounting for Windows Vista license
7 obligations resulting from sales of computers under the Windows Vista Capable
8 program.
- 9 12. All documents relating to Microsoft's deferral of \$1.1 billion of revenue as a result of,
10 or attributed to, the Express Upgrade to Windows Vista program and shipments for
11 computers sold during or pursuant to the Windows Vista Capable program.
- 12 13. All documents related to Microsoft's receipt of, accounting for, or deferral of
13 revenues as a result of, or attributed to, the Windows Vista Capable program and/or
14 the Express Upgrade program.
- 15 14. All documents relating to, or providing the factual foundation for, the press release
16 issued by Microsoft on March 26, 2007, a true and correct copy of which is available
17 at the following link and attached hereto as *Exhibit A*.
18 <http://www.microsoft.com/presspass/features/2007/mar07/03-26VistaDebut.mspix>.
19
- 20 15. Any studies evaluating Microsoft's sales of Windows XP licenses between January
21 2006 and July of 2007 referring to or using Mercury or Gartner data.
- 22 16. All internal, external and other studies, including reports, briefings to and minutes of
23 the Board of Directors on the success or failure of the Windows Vista Capable
24 program.
25
26

1 17. Microsoft's "FY06 Revenue Protection Objective."

2 18. All documents or analyses of the impact on expected licensing of XP and computer
3 sales of the announcement of the future introduction of Windows Vista and the actual
4 introduction, as well as the impact on those expectations of the Windows Vista
5 Capable Program.
6

7 19. A list of each product name and model name or number disclosed to Microsoft as
8 expected to carry the Windows Vista Capable Logo by any person or entity who
9 entered into any version of a Designed for Microsoft Windows Logo License
10 Agreement or a Designed for Microsoft Windows and Windows Vista Logo License
11 Agreement.
12

13 20. All "Milestone" reports referencing each such product name and model name or
14 number.
15

16 21. All sales data referencing each such product name and model name or number.
17

18 22. All hardware specifications for each such product name and model name or number.
19

20 **NOTICE TO PRODUCE**

21 You are hereby notified that you are required to produce any and all documents relating
22 to categories 1 and 22 above.
23

24 This deposition is subject to continuance or adjournment from time to time or place to
25 place until completed.
26

///

1 DATED this 9th day of May, 2008.

2 KELLER ROHRBACK L.L.P.

3
4 By William C. Smart
5 William C. Smart, WSBA #8192
6 Ian S. Birk, WSBA #31431
7 Attorneys for Plaintiffs

8 GORDON TILDEN THOMAS &
9 CORDELL LLP

10 By Jeffrey I. Tilden
11 Jeffrey I. Tilden, WSBA #12219
12 Jeffrey M. Thomas, WSBA #21175
13 Mark A. Wilner, WSBA #31550
14 Attorneys for Plaintiffs

Exhibit A

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Windows Vista Debuts with Strong Global Sales

More than 20 million licenses were sold in the opening month of general availability for the new operating system, as new tools and programs ease the transition for consumers.

REDMOND, Wash., March 26, 2007 — Initial sales figures from Microsoft show its new operating system Windows Vista made a splash in its debut. In the first month of Windows Vista's general availability, sales exceeded 20 million licenses, more than doubling the initial pace of sales for its predecessor, Windows XP. These initial figures reflect the broad interest in the security and usability enhancements in Windows Vista.

"We are encouraged to see such a positive consumer response to Windows Vista right out of the gate," said Bill Veghte, corporate vice president of the Windows Business Group at Microsoft. "While it's very early in the product lifecycle, we are setting a foundation for Windows Vista to become the fastest-adopted version of Windows ever. Working with our partners, we are helping our customers leverage new tools and programs to accelerate the transition and provide a great user experience."

Windows Vista license sales after one month of availability have already exceeded the total of Windows XP license sales in the earlier product's first two months of availability. In January 2002, the company announced sales of Windows XP licenses had exceeded 17 million after two months on the market.

The more than 20 million copies shipped represent Windows Vista licenses sold to PC manufacturers, copies of upgrades and the full packaged product sold to retailers and upgrades ordered through the Windows Vista Express Upgrade program from January 30 to February 28.

Microsoft's PC-maker industry partners confirm consumer interest is strong. "Since the launch of Windows Vista, Dell consumer customers have overwhelmingly chosen premium versions of the operating system that enable them to have a richer experience with music, video, photography and other computing applications they choose," said Neil Hand, vice president of Dell's Consumer Product Group. "Customers' initial experience with Windows Vista has been quite positive, and we will continue to try to deliver the best customer experience possible," Hand added.

"HP worked extensively with Microsoft to ensure that our Windows Vista-based PCs offer consumers our easiest, safest and most satisfying technology experience yet," said Mark Sanchez, vice president and general manager,

Related Links**Virtual Newsrooms:**

- [Windows Client Newsroom on PressPass](#)

Broadcast-Quality Video:

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Microsoft Resources:

- [Windows Vista](#)
- [Upgrade Advisor](#)
- [Certified for Windows Vista Program](#)

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consumer PCs, HP. "We are pleased with the customer acceptance of our Windows Vista offerings, including our innovative new TouchSmart PC."

Microsoft has made several new tools and programs available to help customers get the best experience with Windows Vista. Windows Upgrade Advisor is a downloadable tool offered online at WindowsVista.com that helps consumers determine whether their Windows XP-based PCs can be upgraded to Windows Vista, and also helps choose the edition of Windows Vista that best meets their needs. The tool scans the computer and creates an easy-to-understand report of all known system, device and program-compatibility issues, and recommends ways to resolve them.

The "Certified for Windows Vista" logo program is designed to make it easier for consumers to recognize products that deliver premium experiences with Windows Vista. Hardware devices and software bearing the logos at retail help consumers make educated choices when purchasing devices and software to use with Windows Vista. There are more than 4,500 "Certified for Windows Vista" products to date - 2,500 of which were certified just since the January 30 launch event.

Windows Update keeps customers' computers up-to-date and more secure by providing Windows Vista software updates from Microsoft. In Windows Vista, the update process is designed to be less disruptive than in previous versions of Windows. Users can elect to automatically receive new updates, and updating occurs in the background or may be scheduled for a time convenient to the user. If an update requires a restart to complete installation, a user may complete the restart at a more convenient time. On occasions when an update applies to a file in use, Windows Vista can save the application's data, close the application, update the file, and then restart the application. In the initial phase after launch, Windows Update has delivered new drivers at a rate of more than 1,600 per month, bringing the total number of drivers above 27,000.

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Exhibit C

Shannon McKeon

Subject: FW: Deposition Arrangements

From: Rummage, Steve [mailto:SteveRummage@DWT.COM]
Sent: Wednesday, June 04, 2008 2:49 PM
To: Will Smart; Jeff Tilden
Cc: Rummage, Steve; Chuck Casper (Montgomery McCracken Walker)
Subject: Deposition Arrangements

Will & Jeff: This will confirm our telephone conversation earlier today, in which we discussed arrangements for the upcoming Rule 30(b)(6) depositions.

First, we will produce a witness next Tuesday at 9:00 at Will's office, who will testify as to topics 1-5, 7, 8, 10-14, and 21. Those topics relate primarily to data & numbers. As we explained, the witness will be prepared to testify to the identity and location of documents pertaining to those topics, as well as the process being undertaken to estimate the requested information. But we do not expect that the process of estimating the information will be completed by then, and so the witness will not be able to testify to actual numbers at that time. As soon as that information is available (which we still expect to occur on the schedule outlined in my May 22 email to Jeff Thomas), we will provide it to you. At that time, we can discuss whether you need any additional testimony on the point.

Second, we will produce a witness next Tuesday at 1:00 at Will's office who will testify to topic 16. As we discussed, we expect that witness to testify that the Board did not receive any of the information or documents specified in that topic, so the deposition likely will be short. We agreed that even if you have not completed the morning witness, we will slot this designee in at 1:00, so as to avoid unnecessary inconvenience.

Third, on June 19, we will produce a witness at 9:00 at Will's office to testify to topics 9 and 20, which revolve around "Milestone" reports and awards. We understand Will may be traveling at that time, and we would of course be more than happy to move that deposition to Jeff's office, if it suits you to do so.

Fourth, we are continuing to work on finding designees and available dates for depositions on the remaining topics. Next week we hope to be able to offer you some additional dates for additional topics.

In light of these arrangements, we will not be filing a motion for a protective order next week. We do understand that by proceeding with these depositions you are, as Jeff put it, "not waiving any rights." Nor are we.

Please let us know if you have any questions. We look forward to seeing you next week.

Regards, Steve.

Steve Rummage | Davis Wright Tremaine LLP

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